

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL NELSON,) Case No.: 1:21-cv-0222 JLT BAM
)
Plaintiff,) ORDER TO SHOW CAUSE WHY THE ACTION
) SHOULD NOT BE DISMISSED FOR PLAINTIFF'S
) FAILURE TO COMPLY WITH THE COURT'S
) ORDER
v.)
FOSTER , et al.,)
)
Defendants.)
)
)

Previously, the parties stipulated to allow Plaintiff to amend his complaint to dismiss the seventh and eighth causes of action with prejudice. (See Doc. 28.) On December 12, 2022, the Court approved the terms of the parties' stipulation and ordered Plaintiff to file his First Amended Complaint within three days of the date of service of the order. (Doc. 29.) To date, Plaintiff has not filed his amended complaint.

The Local Rules, corresponding with Fed. R. Civ. P. 11, provide: “Failure of counsel or of a party to comply with . . . any order of the Court may be grounds for the imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” Local Rule 110. “District courts have inherent power to control their dockets,” and in exercising that power, a court may impose sanctions including dismissal of an action. *Thompson v. Housing Authority of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action with prejudice, based on a party’s failure to prosecute an action or failure to obey a court order, or failure to comply with local rules. *See, e.g. Ferdik v.*

1 *Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an order
2 requiring filing of an amended complaint); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.
3 1987) (dismissal for failure to comply with a court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424
4 (9th Cir. 1986) (dismissal for failure to prosecute and to comply with local rules).

5 Accordingly, Plaintiff is **ORDERED** to show cause within seven days of the date of service
6 of this Order why the action should not be dismissed for the failure comply with the Court's order and
7 failure to prosecute, or in the alternative, to file the First Amended Complaint as previously ordered.

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9 IT IS SO ORDERED.

10 Dated: January 9, 2023

Jennifer L. Thurston
11 UNITED STATES DISTRICT JUDGE

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